Supreme Court, U.S.
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(2)

No. 06-431

In The

Supreme Court of the United States

James Widtfeldt et al,
Petitioner
v.
State of Nebraska,
Counsel for Discipline,
Nebraska Supreme Court,
Defendants.

On Appeal From
Nebraska Supreme Court

PETITION FOR REHEARING
PETITION FOR WRIT OF CERTIORARI

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December 1, 2006

Questions presented

1. Is it against public policy to discipline a lawyer for disclosing judicial misbehavior pursuant to a code of ethics?

2. Is it against public policy to discipline a lawyer for working for a Low Level Radioactive Waste Siting, where the former governor and his 7 Democrat State Supreme Court are embarrassed by a $140 million plus judgment for damages?

3. Is it against public policy to discipline a lawyer for exercising free speech rights in noting that Nebraska is unlawfully violating civil rights in excluding racial minorities from housing?

4. Is it against public policy to discipline a lawyer for the purpose of forfeiting fees to a

Democrat party lawyer prominent in fund raising?

5. Is it against public policy for the Nebraska Supreme Court to allow a County Court Judge to conceal incompetence by filing grievances?

ADDITIONAL PARTIES

No additional parties appear than those in the caption. If the petition s granted, amices curie briefs may be solicited.

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PETITION FOR REHEARING RULE 44

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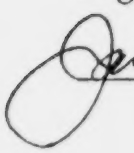
PETITION FOR RE-HEARING PETITION FOR WRIT OF CERTIORARI DENIED NOV 6, 2006

Petitioner James Widtfeldt respectfully petitions re-hearing on the petition for writ of certiorari denied November 6, 2006, to review the judgments of the Nebraska Supreme Court, of February 4, 2005 and, June 24 and August 24, 2006.

PETITION FOR REHEARING PRESENTED IN GOOD FAITH AND NOT FOR DELAY

This petition for rehearing of the November 6, 2006 denial of hearing is certified as presented in good faith and not for delay. Rule 44.2



James Widtfeldt

INTERVENING CIRCUMSTANCES

Holt County Judge Alan Brodbeck retention election November 7, 2006 gave 2378 votes yes to 1887 no (not final), a 55.76% approval. Boyd County gave 405 yes, 396 no for 50.56% . Judge's grievances and appellant's duties are likely to benefit from this Court's review.

James Widtfeldt rented office space to US Ecology, 1989 through 1996. Nebraska by then Governor Ben Nelson, breached contract with the Waste Commission in *Entergy Arkansas vs Nebraska*, 226 F.Supp 2d 1047 (Sept 30, 2002). The court faulted Ben Nelson. In a 1988 public initiative vote to leave the Compact, electors voted

to stay 414,394 votes to 225, 174. The Nebraska Supreme Court is trying to eliminate free speech.

RULE 10 PRIORITY STATE CONFLICTS

FEDERAL LOW LEVEL RADIOACTIVE WASTE

The State of Nebraska comes within US Supreme Court Rule 10b eligible for Supreme Court review, through the Ben Nelson legacy of all 7 appointed Nebraska Supreme Court Judges, and using its Court Disciplinary provisions to discipline this lawyer for supporting the US Congress prescribed Low Level Radioactive Waste Consortium, and to flout the federal court order in *Entergy Arkansas vs Nebraska*, 226 F. Supp 2d 1047 (Sep 30, 2002). The Republican governors

succeeding Nelson have appointed only one Supreme Court Justice, a Republican , in 2006, a far lower turnover rate for judges.

RULE 10 PRIORITY NEB CONFLICTS FEDERAL CIVIL RIGHTS/RACIAL DISCRIMINATION

Under Rule 10b, Nebraska, is abusing its Court Disciplinary provisions to discipline appellant for supporting federal civil rights law, including 42 USC §1983, by finding Widtfeldt pleadings defective for speaking about local government methods to defeat racial equality, against native American Hispanic immigrants.

RULE 10 PRIORITY STATE CONFLICTS ON FEDERAL UNLAWFUL ELECTION CAMPAIGN

FUNDING BY COURT DISCIPLINARY ACTIONS

Under Court Rule 10b, the all Democrat Nebraska Supreme Court abuses Disciplinary authority to shakedown and transfer fees to local Democrat contributors, in improper fundraising. *Dide v Howes*, 988 F.2d 1097, 1103

RULE 10 PRIORITY STATE CONFLICTS ON FEDERAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL, AND LAWYER'S DUTY TO REVEAL JUDICIAL MISCONDUCT

James Widtfeldt was suspended by the Nebraska Supreme Court after several motions to recuse local Judge Alan Brodbeck beginning in 2000. Judge Brodbeck substantially decided all

significant contested cases with opposing lawyer, against James Widtfeldt or clients for 20 years.

Governor Nelson appointed all 7 Supreme Court judges, coercing out previous judges. An all Democrat, and all Nelson anti-business, anti - contract, Democrat fundraising, Republican shakedown Supreme Court deprives the public of fairness or impartiality.

Republican governor Johanns and Heineman have been able to appoint only one Republican Nebraska Supreme Court Judge, in 2006, since Nelson.

OPINION BELOW

November 6, 2006, "The petition for a writ of

certiorari is denied."

JURISDICTION

This court has jurisdiction by its Order of November 6, 2006, through appeal Rule 13 within 90 days of judgment of highest State Court.

Rule 10b, gives jurisdiction.

28 USC § 1291 gives jurisdiction.

RELEVANT STATUTORY PROVISIONS

28 USC § 1291 jurisdiction

42 USC § 1983, Civil Rights Act

42 USC §§2021b-2021d Radioactive Waste Act

US Constitution, Amendment 1, right to redress

STATEMENT

This is a case involving lawyer suspension

by the all Dem~~ocrat Neb~~raska Supreme Court, appointed by Gov. Nelson of infamy in *Entergy Arkansas vs Nebraska*, 226 F.Supp 2d 1047 (2002)

Appellant rented office space to US Ecology in Butte, Nebraska 1989 through 1996.

Appellant was suspended for "bad pleadings", describing how local government attacked rental housing of Hispanics.

Effective assistance of counsel in *Strickland v. Washington*, 46 US 668, 684-5 (1984) was prevented by Nebraska. Many appellant cases languish without successor counsel as pro bono, the grievances orchestrated by Judge Brodbeck prejudiced appellant's clients and fostered

undeserved success to other lawyers.

PROPERTY VALUES INCONSISTENT WITH GOVERNMENT OVER REGULATION

Nebraska punished appellant for pleadings which demonstrate that property valuation is too high, and should be reduced because:

a) Nebraska encouraged racial bias

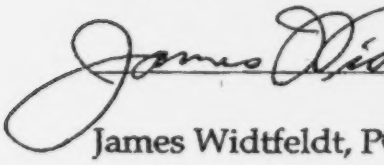
b) Nebraska refused Radioactive Waste Act

c) Nebraska refusal to factor population loss in property values.

Appellant has not won any significant contested cases in cases where any opposing counsel appeared, before Judge Alan Brodbeck.

CONCLUSION

Petitioner respectfully requests that this court determine that the State of Nebraska disciplinary actions are in conflict with federal laws regarding effective assistance of counsel, civil rights of racial minorities, low level radioactive waste siting, and freedom of speech.



December 1, 2006

James Widtfeldt, PO Box 877, 103 East State Street, Atkinson, Nebraska 68713, Tel 402/925-2535 Fax 402/925-2564, techtute@yahoo.com

APPENDICES

A1 Page 1

I, James Widtfeldt, do swear or declare that on this date, December 1, 2006, as required by Supreme Court Rule 29, I have served the enclosed Rule 12.3 and Rule 44 notice that the case, previously docketed (mailed) September 21, 2006 with previous notice of September 21, 2006, with three copies of the Petition for Rehearing of Petition for Certiorari, by placing in the regular or certified US mail, postage prepaid, addressed to the following:

$200 filing fee, original brief and 40 copies to:

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

3 copies to:

John W. Steele

Counsel for Discipline

3808 Normal Boulevard

Lincoln, Nebraska 68506

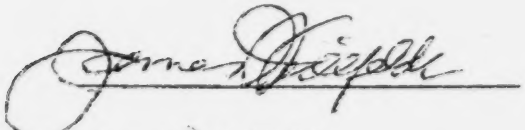
3 copies to:

Nebraska Supreme Court

2413 State Capitol

PO Box 98910

Lincoln, Nebraska 68509-8910

 Dec 1, 2006

James Widtfeldt

A2 Page 1 Petition for Rehearing not for Delay

I, James Widtfeldt, do swear or declare that on this date, December 1, 2006, as required by Supreme Court Rule 29, Rule 12.3 and Rule 44, that the case 06-431 Petition for Rehearing Petition for Certiorari, was not filed for delay, but rather because:

1. A large number of essentially political actions have issued from the State of Nebraska since the election of Ben Nelson as governor, and subsequent to his appointment of all 7 Democrat members of the Nebraska Supreme Court, essentially political grievances began to be filed by a large number of persons suggesting an organized effort.

2. James Widtfeldt participated in renting office space to the Low Level Radioactive Waste siting in Boyd County, as required by the US Congress authorized Compact of 5 States, in compliance with federal laws, however Ben Nelson guided Nebraska into a default on the siting of the waste site costing Nebraska over $140 million dollars, and this could be a factor in making the former governor and his residual Supreme Court nominees jealous of or resentful toward appellant.

3. James Widtfeldt practiced law for many years, and during those years become aware of irregular activities by Judge Alan Brodbeck which should, under the code of ethics, have required

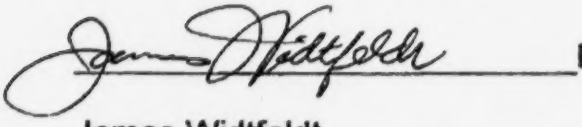
Judge Alan Brodbeck to be removed from office. Efforts to discreetly inform the Nebraska Supreme Court resulted in escalating criticism and public unfair and inaccurate criticism of James Widtfeldt with claims of "instability" and "improper pleadings", through the Nebraska Supreme Court, suggesting that the irregular behavior of Judge Alan Brodbeck was being encouraged and condoned on the highest levels in Nebraska, and that appeal and attempts to alert the US Supreme Court would be necessary to satisfy the ethical code of a lawyer in Nebraska.

4. Upon suspension of James Widtfeldt as a lawyer in Nebraska, James Widtfeldt became aware of unfair treatment of former clients who

were being subjected to abusive and wrongful treatment in the same Holt County Court, suggesting that the disciplinary actions against James Widtfeldt might be instituted for the improper purpose of throwing success in court to favorite lawyers of the judge, rather than decisions accurately on the law, facts and evidence, requiring further efforts to notify government at higher levels.

5. Appellant became aware, as a consequence of being a proponent of the radioactive waste siting, and then seeing Nebraska suffer damages for the former governor Ben Nelson's anti-contract attitude, that a similar fate of more financial hardships and damages

could befall and be imposed against Nebraska for racial policies being espoused through the highest levels of the State of Nebraska, and James Widtfeldt owed some duty to warn Nebraska.



Dec. 1, 2006

James Widtfeldt

A3 Order subject of this Petition for Rehearing

Order of the United States Supreme Court entered

November 6, 2006, in Case Number 06-431,

James Widtfeldt vs Nebraska